

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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Kevin H. Sharp

UNITED STATES OF AMERICA) No: 3:12-cr-00048
)
v.)
) Judge Sharp
RICHARD OLIVE)

MOTION TO ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS

Defendant Richard Olive, through his undersigned counsel, moves the court for an order allowing him to proceed in forma pauperis for the purpose of having a CJA attorney appointed by the 6th Circuit for Mr. Olive's appeal. As grounds, Mr. Olive states as follows.

1. On September 3, 2013, Mr. Olive's retained counsel moved this court for an order allowing them to withdraw and to appoint a public defender to represent Mr. Olive on appeal.
2. On September 4, 2013, the court denied counsel's Motion citing 6th Circuit Rule 12(c)(1) and (4). Rule 12(c)(4) provides that prior to the appointment of CJA counsel on appeal, Mr. Olive must move in the district court for leave to proceed in forma pauperis.
3. As stated in the Motion to Withdraw, Mr. Olive, who has been incarcerated since the jury verdict, is indigent as demonstrated by his financial affidavit (attached hereto) and cannot afford to pay for privately retained counsel to handle his appeal. Accordingly, Mr. Olive